

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

PAUL VOGLINO,	:	
Plaintiff	:	CIVIL ACTION NO. 3:21-565
v.	:	(JUDGE MANNION)
JOSHUA SHAPIRO; REBECCA A. : ELO; TROOPER JENNIFER A. KOSAKEVITCH; and RALPH : ZEZZA, <i>Special Agent</i>	:	
Defendants	:	

ORDER

Pending before the Court is the motion of non-party Jeffrey Cutler's ("Intervenor") motion to intervene the above-captioned case pursuant to [Fed.R.Civ.P. 24](#). ([Doc. 5](#)). To date, no party has filed a brief in opposition to intervenor's motion and the time within which to do so has expired. See [Local Rule 7.6, M.D.Pa.](#) Nonetheless, for the following reasons, the Court will deny the motion.

The Federal Rules of Civil Procedure provides for two types of intervention, intervention as of right and permissive intervention. In the absence of a federal statute which confers a right to intervene, and there is no such statute in this case, [Fed.R.Civ.P. 24\(a\)](#) authorizes a party to

intervene as of right if the movant can establish: “(1) a timely application for leave to intervene has been filed, (2) a sufficient interest in the underlying litigation, (3) a threat that the interest will be impaired or affected by the disposition of the underlying action, and (4) that the existing parties to the action do not adequately represent the prospective intervenor’s interests.” See *Liberty Mut. Ins. Co. v. Treesdale, Inc.*, 419 F.3d 216, 220 (3d Cir. 2005) (citation omitted). The movant’s failure to establish any factor is fatal. *Id.*

Alternatively, a court may grant permissive intervention where a movant makes a timely motion and “(A) is given a conditional right to intervene by a federal statute; or (B) has a claim or defense that shares with the main action a common question of law or fact.” See *Fed.R.Civ.P. 24(b)*.

Here, the intervenor’s instant motion is incomprehensible and has no bearing or relevance to the above-captioned action. Thus, the intervenor fails to satisfy the requirements for intervention pursuant to *Fed.R.Civ.P. 24*.

IT IS HEREBY ORDERED that Plaintiff’s motion to intervene, (*Doc. 5*) is **DENIED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: December 8, 2021

21-0565-04